



DEPARTMENT OF ENERGY
Federal Energy Regulatory Commission
[Docket No. CP23-87-000]

WBI Energy Transmission, Inc.;
Notice of Request Under Blanket Authorization and Establishing Intervention and Protest
Deadline

Take notice that on March 7, 2023, WBI Energy Transmission, Inc. (WBI Energy), 1250 West Century Avenue, Bismarck, North Dakota 58503, filed a prior notice request for authorization, in accordance with 18 CFR Sections 157.205, 157.208, 157.210, 157.211 and 157.216 of the Federal Energy Regulatory Commission's (Commission) regulations under the Natural Gas Act and WBI Energy's blanket certificate issued in Docket No. CP82-487-000, to construct, uprate, modify, operate and abandon natural gas facilities in Butte, Lawrence, Meade and Pennington Counties, South Dakota (Project).

WBI Energy's states its Project is designed to provide up to 25,000 dekatherms per day for its customers Montana-Dakota Utilities Co. (Montana-Dakota) and Black Hills Service Company, LLC, as shown in Table 1 of WBI Energy's application.¹ WBI Energy proposes to: (1) uprate 23 miles of the Yellow Mainline from a Maximum Allowable Operating Pressure (MAOP) of 470 pounds per square inch gauge (psig) to an MAOP of 1,017 psig commencing from the Belle Fourche Compressor Station, located in Butte County, South Dakota and ending at the proposed Deadwood Mainline Transfer Station to be constructed in Lawrence County, South Dakota; (2) install a second stage compressor unit (Unit 8) and associated equipment facilities at its existing Belle Fourche Compressor Station; (3) extend the existing Yellow and Red Mainlines 500 feet southwest from the current Krebs Station in Pennington County, South Dakota; (4) construct 6.6 miles of new 8-inch-diameter lateral pipeline in Lawrence County, South Dakota; and (4) replace and construct town border stations and valve settings as detailed in Table 2 of WBI Energy's application.²

Additionally, WBI Energy proposes to abandon in place 6.6 miles of 4-inch-diameter lateral pipeline in Lawrence County, South Dakota, abandon by removal multiple meter stations in Meade County, South Dakota, and abandon by sale to Montana-Dakota four existing station outlet valves at the Krebs Station located in Pennington, South Dakota. WBI Energy also proposes to perform work on associated auxiliary facilities under Section 2.55(a) of the Commissions regulations as detailed in Table 3 of WBI Energy's application.³ WBI Energy states that the cost of the Project

¹ Application at 5.

² Application at 8 – 11.

³ Application at 11.

will be \$33,800,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the Federal Register, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at FERCOnlineSupport@ferc.gov or call toll-free, (886) 208-3676 or TYY, (202) 502-8659.

Any questions concerning this application should be directed to Lori Myerchin, Director, Regulatory Affairs and Transportation Services, WBI Energy Transmission, Inc., 1250 West Century Avenue, Bismarck, North Dakota 58503, at (701) 530-1563 or lori.myerchin@wbienenergy.com.

Pursuant to Section 157.9 of the Commission's Rules of Practice and Procedure,⁴ within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

PUBLIC PARTICIPATION

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on **May 15, 2023**. How to file protests, motions to intervene, and comments is explained below.

Protests

⁴ 18 CFR (Code of Federal Regulations) §157.9.

Pursuant to section 157.205 of the Commission's regulations under the NGA,⁵ any person⁶ or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,⁷ and must be submitted by the protest deadline, which is **May 15, 2023**. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁸ and the regulations under the NGA⁹ by the intervention deadline for the project, which is **May 15, 2023**. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide

⁵ 18 CFR 157.205.

⁶ Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

⁷ 18 CFR 157.205(e).

⁸ 18 CFR 385.214.

⁹ 18 CFR 157.10.

justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before **May 15, 2023**. **The filing of a comment alone will not serve to make the filer a party to the proceeding.** To become a party, you must intervene in the proceeding.

How to File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number **CP23-87-000** in your submission.

- (1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Protest", "Intervention", or "Comment on a Filing"; or ¹⁰
- (2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number **CP23-87-000**.

To mail via USPS, use the following address:
Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

To mail via any other courier, use the following address:
Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
12225 Wilkins Avenue

¹⁰ Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

Rockville, Maryland 20852

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502-8258 or FercOnlineSupport@ferc.gov.

Protests and motions to intervene must be served on the applicant either by mail or email (with a link to the document) at: Lori Myerchin, Director, Regulatory Affairs and Transportation Services, WBI Energy Transmission, Inc., 1250 West Century Avenue, Bismarck, North Dakota 58503, at (701) 530-1563 or lori.myerchin@wbienergy.com.

Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

TRACKING THE PROCEEDING

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at **(866) 208-FERC**, or on the FERC website at www.ferc.gov using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to www.ferc.gov/docs-filing/esubscription.asp.

Dated: March 14, 2023.

Kimberly D. Bose,
Secretary.

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